

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TYHEEM Y. KEESH,

Plaintiff,

v.

GLENN S. GOORD, et al.,

Defendants.

DECISION & ORDER

04-CV-271A

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has requested appointment of counsel pursuant to 28 U.S.C. § 1951(e)(1). This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. *See In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Accordingly, the Court assigns Marc W. Brown, of Phillips Lytle LLP, 3400 HSBC Center, Buffalo, NY 14203-2887, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to copy the entire file in this matter and send it to Marc W. Brown, Esq., together with a copy of this Order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its

¹ This information and the forms are also available on the Court's website at the Attorney Information link from the homepage located at <http://www.nywd.uscourts.gov/document/fundreimbvoweb.pdf>.

fees so pro bono counsel can access and print at no cost to him or his firm any other documents filed herein that he may need.

A **telephone status conference** will be held with the undersigned on **June 17, 2008**, at **11:20 a.m.**, to discuss the status of the case. **Chambers will initiate the conference call.**

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
April 11, 2008